

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., et al.,)	Case No: 08-35653-KRH
)	(Jointly Administered)
)	
Debtors.)	

MOTION TO MODIFY REJECTION CLAIMS BAR DATES

Comes now M&T Bank, as Indenture Trustee (the “Movant”), by counsel, and moves this Court for an order establishing a uniform claims bar date for all lease rejection claims with respect to leases rejected, either by order of this Court or by notice delivered by the Debtors, in either case on and after March 1, 2009 and on or before March 31, 2009. In support thereof, Movant states the following:

1. It is the indenture trustee in connection with seven pools of securitized leases under one or more leases under which one or more of the Debtors is a lessee.

2. It has received one or more notices of lease rejection effective on or after March 1, 2009 and on or before March 31, 2009, either pursuant to an order of this Court or by notice authorized by this Court’s Order Under Bankruptcy Code Sections 105, 363, and 365 (I)

Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases, (II) Setting Sale Hearing Dates and (III) Authorizing and Approving (A) Sale of Certain

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Unexpired Nonresidential Real Property Leases Free and Clear of All Interests, (B) Assumption and Assignment of Certain Unexpired Nonresidential Real Property Leases and (C) Lease Rejection Procedures entered February 19, 2009 (the “February 19, 2009 Order”).

3. The Rejection claims bar date for leases rejected by the notice issued pursuant to the February 19, 2009 Order is April 30, 2009. Rejection claim bar dates for leases pursuant to other orders of this Court are set by Court order as thirty days following entry of each such order.

4. The varying bar dates cause landlords confusion and an increased chance of having their rejection damage claims barred because they are not timely filed. Landlords would thus be greatly inconvenienced by making all such rejection claims proofs of claim due on the same date.

5. There will be no significant harm or inconvenience to the Debtors in acceding to this request, since the Debtors have yet to propose a plan of reorganization or liquidation, and, accordingly, no claim procedures will be delayed thereby and also since the requested relief will not revive any already expired bar date.

6. Upon information and belief, the Debtors have consented to the relief prayed for herein, and the Official Committee of Unsecured Creditors has no objection.

WHEREFORE, Movant prays that this Court establish a uniform claims bar date of April 30, 2009, for all claims arising out of leases rejected on and after March 1, 2009 and on or before March 31, 2009, and that Movant have such other relief as this Court may deem appropriate.

M&T Bank, as Indenture Trustee

By: /s/ Augustus C. Epps, Jr.
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C E R T I F I C A T E

I hereby certify that on the 23rd day of March, 2009, I caused a copy of the foregoing to be served by electronic means on the “2002” and “Core” lists and through the ECF system.

/s/ Augustus C. Epps, Jr.
Augustus C. Epps, Jr.